

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

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May 4, 2004

**FROM: MICHAEL E. HAYS, DIRECTOR  
LAND USE SERVICES DEPARTMENT/CURRENT PLANNING DIVISION**

**SUBJECT: GENERAL PLAN AMENDMENT AND TENTATIVE PARCEL MAP 16511;  
APPLICANT: EDUARDO TAN; APN: 1011-451-02; MONTCLAIR SPHERE OF  
INFLUENCE**

**RECOMMENDATION:**

1. **CONDUCT** a public hearing on TUESDAY, MAY 4, 2004, at 10:00 AM to consider a **DECLARATION OF AN INTENT** to:
  - a) **ADOPT** the Negative Declaration;
  - b) **ADOPT** a General Plan Land Use District Amendment from Single Residential, 20,000 square foot minimum parcel size (RS-20M) to Single Residential (RS) on 1.05 acres; Applicant: Eduardo Tan; APN: 1011-451-02; Community: Montclair Sphere of Influence;
  - c) **APPROVE** Tentative Parcel Map 16511 to create 4 parcels on 1.05 acres;
  - d) **APPROVE** Variance to permit street side yard wall height up to 7 ft. 5 inches in lieu of the maximum 4 ft. and setback 8 ft. in lieu of the required 15-ft. setback for Parcel 2 facing Vernon Avenue, and allow a 7 ft. 5 inch wall in lieu of a maximum 6 ft. wall along the west property line of the entire tract.
  - e) **ADOPT** the Findings as recommended by the Planning Commission related to the General Plan Amendment, Tentative Parcel Map and Variance, and find that the Negative Declaration was prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgement of the County;
  - f) **FILE** a Notice of Determination.
2. **CONTINUE** for final adoption with the First Cycle 2004 General Plan Amendments.

**BACKGROUND INFORMATION:** On April 8, 2004, the Planning Commission conducted a public hearing to consider a General Plan Amendment (GPA) from Single Residential, 20,000 square foot minimum parcel size (RS-20M) to Single Residential (RS) on 1.05 acres and a Tentative Parcel Map (TT16511) to create 4 parcels on 1.05 acres. The project includes a Variance to permit a street side yard wall height up to 7 ft. 5 inches in lieu of the maximum 4 ft. and setback 8 ft. in lieu of the required 15-ft. setback for Parcel 2 facing Vernon Avenue, and allow a 7 ft. 5 inch wall in lieu of a maximum 6 ft. wall along the west property line of the entire tract. The Planning Commission originally heard this project on March 18, 2004, and continued the hearing to allow the subject variances to be advertised, evaluated, and incorporated into the staff report. The Planning Commission recommended this project to the Board of Supervisors for approval. The Commission action was based on the findings contained in the staff report.

The site is located at the southwest corner of Vernon Avenue and Howard Street, in the Montclair Planning Area currently developed with a Single Family Residence with accessory structures. The project is an infill development that will be served by existing public services and by extension of utilities. The water service will be provided by the Monte Vista Water District and the sewer service by the City of Montclair. The utility companies are requiring extensions of lines and other improvements to be installed at the developer's cost.

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This project will result in the creation of four new parcels, each containing a minimum of 10,000 square feet, consistent with the lot size in the Applegate Development (Tract 16215) immediately to the north of this site. The wall height and setback variances along Vernon Avenue are necessary to provide consistency with the walls and setbacks on Vernon Avenue in the Applegate Development. The variance in wall height along the west property line is necessary to provide additional privacy for the property to the west on which horses are being raised.

The City of Montclair staff worked closely with the applicants and supports approval of this project as conditioned. The amendment is consistent with the goals and policies of the General Plan as outlined in the findings.

One property owner, residing in the Applegate Tract, testified at the April 8, 2004 Planning Commission hearing. He was concerned about loss of privacy as his backyard and his neighbor's are adjacent to the subject site on the north. He asked if a variance could be granted to raise the wall height at this property line. The Planning Commission did not agree to his request. One letter was received from the property owner to the west expressing support for the increased wall height along her property line.

An independent Initial Study in compliance with the California Environmental Quality Act (CEQA) has been completed for the project that determined the proposal will not have any adverse impacts after implementation of appropriate Conditions of Approval. Therefore, a Negative Declaration is recommended.

**REVIEW AND APPROVAL BY OTHERS:** This item has been reviewed and approved by Deputy County Counsel Robin Cochran, 387-8957, on April 22, 2004, and by the County Administrative Office, Patricia M. Cole, Administrative Analyst III, 387-5346, on April 25, 2004. The Planning Commission hearing was conducted on March 18, 2004, and April 8, 2004.

**FINANCIAL IMPACT:** There are no financial impacts associated with this item.

**SUPERVISORIAL DISTRICT:** 4th

**PRESENTER:** Michael E. Hays, Director, Land Use Services Department - 387-4141